

LABOUR DEPARTMENT

The 31st October, 1967

No. 10558-3Lab-67/32605.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and management of M/s. Machine Well Industries, Daulatabad Road, Gurgaon.

BEFORE SHRI P.N. THUKRAL, PRESIDING OFFICER, LABOUR COURT,
ROHTAK

Reference No. 19 of 1967

between

THE WORKMEN AND THE MANAGEMENT OF M/S MACHINE WELL
INDUSTRIES, DAULTABAD ROAD, GURGAON

Present.—

Shri Raj Narain, claimant, with Shri C.B. Kaushik.
Memo for the management.

AWARD

The claimant Shri Raj Narain Pandey was working as a Fitter in M/s. Machine Well Industries, Daultabad Road, Gurgaon. His services were terminated and this gave rise to an industrial dispute. The Government of Haryana, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10, read with proviso to that sub-section of the Industrial Disputes Act, 1947, has referred the following dispute to this Court for adjudication.—*vide* gazette notification No. 112-SF-III-Lab-67, dated 10th March, 1967:

Whether the termination of services of Shri Raj Narain Pandey is justified and in order? If not, to what relief is he entitled?

On receipt of the reference usual notices were issued to the parties by my learned predecessor Shri Hans Raj Gupta. Shri C.B. Kaushik appeared on behalf of the claimant and filed a statement of claim. No body appeared on behalf of the management and so *ex parte* proceedings were ordered to be taken against them.

The following issues were framed:

- (1) Whether the termination of services of Shri Raj Narain Pandey is justified and in order?
- (2) If not, to what relief is he entitled?

In the letter issued by the management terminating the services of the claimant it is mentioned that he remained absent without leave from 14th November, 1966 to 25th November, 1966 and that previously he had also absented himself without justification on two occasions, that is from 12th July, 1965 to 27th August, 1965 and from 5th August, 1966 to 2nd September, 1966 and so his name was being struck off from the rolls. The claimant has appeared as his own witness in support of his allegations and has stated that the allegations of remaining absent without justification made against him by the management were wrong. He has explained that as a matter of fact he had proceeded on one month's leave in June, 1965, for the purpose of constructing a well in his village. There he fell ill and sent a medical certificate, copy of which is Ex. W/2, under registered cover which was ultimately accepted and he was permitted to resume duty. As regards absence from 5th August, 1966 to 2nd September, 1966, he has stated that he had proceeded on leave from 8th July, 1966 to 17th August, 1966 and had gone to his village where he fell ill again and sent a medical certificate, copy of which is Ex. W/11, under registered cover. This certificate was also accepted and he resumed duty. As regards the allegation that the claimant was absent from duty without leave from 14th November, 1966 to 25th November, 1966, he has explained that he fell ill and submitted an application, copy of which is Ex. W/14, for leave along with a medical certificate and that this application was received by the management,—*vide* receipt Ex. W/15. The claimant says that he was advised leave from 14th November, 1966 to 24th November, 1966. His leave was not sanctioned and he received a letter Ex. W/1 terminating his services for the aforesaid reason. This order must be quashed on the short ground that this order was passed without giving any opportunity to the claimant show cause as to why he should not be dismissed for remaining absent without leave. The claimant has stated that no inquiry was held against him nor was he given any opportunity to produce any evidence to prove that he was really ill and was not malingering. Since the management has not even cared to attend the Court and produce any evidence as to whether any inquiry was held before passing the dismissal order, it must be held that the termination

of the services of the claimant, Shri Raj Narain Pandey, was not justified. He is, therefore, entitled to be reinstated with full back wages. Since he has not incurred any costs in these proceedings I make no order as to costs.

Dated 19th October, 1967.

P.N. THUKRAL,
Presiding Officer,
Labour Court, Rohtak.

No. 1492, dated 27th October, 1967

This award is submitted, in quadruplicate, to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P.N. THUKRAL,
Presiding Officer,
Labour Court, Rohtak.

No. 10559-3Lab-67/32606.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and management of M/s Avon Services (P) Ltd., Ballabgarh:—

BEFORE SHRI P.N. THUKRAL, PRESIDING OFFICER, LABOUR COURT,
ROHTAK

Reference No. 54 of 1967

between

THE WORKMEN AND THE MANAGEMENT OF M/s AVON SERVICES (P) LTD.,
BALLABGARH

Present :—

Nemo for the workman.
Nemo for the management.

AWARD

The Government of Haryana in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, has referred the following dispute to this Court for adjudication, *vide* Gazette notification No. 234-FSIII-Lab-67/21036, dated 14th July, 1967 :

Whether the termination of services of Shri Sukhi Ram was justified and in order?
If not to what relief is he entitled?

On receipt of this reference usual notices were issued to the parties to appear in this Court on 1st September, 1967. Service was effected on both the parties. Nobody was present on behalf of the management. Shri Roshan Lal Sharma appeared on behalf of the workman. However, he had no letter of authority from the workman and promised to produce the same on the next date of hearing. Accordingly the hearing of the case was adjourned to 30th September, 1967 and the representative of the workman was also directed to produce evidence in support of the allegations made in the demand notice. The case was adjourned to 30th September, 1967. On the date fixed neither the workman nor his representative appeared. Nobody was present on behalf of the management also. Since the workman has not produced any evidence in support of the allegations made by him, I hold that the termination of his services has not been proved to be unjustified. No order as to costs.

Dated 19th October, 1967.

P.N. THUKRAL,
Presiding Officer,
Labour Court, Rohtak.

No. 1491, dated 27th October, 1967.

This award is submitted in quadruplicate to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

P.N. THUKRAL,
Presiding Officer,
Labour Court, Rohtak.